

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

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SEN. BILL BRADY
SEN. KAREN McCONAUGHAY
SEN. TONY MUÑOZ
SEN. IRA SILVERSTEIN
SEN. CHUCK WEAVER
REP. PETER BREEN
REP. TOM DEMMER
REP. GREG HARRIS
REP. LOU LANG
REP. ANDRÉ THAPEDI

MINUTES

August 15, 2017

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, August 15, 2017 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago IL.

Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Bill Brady	X Representative Peter Breen
X Senator Don Harmon	X Representative Tom Demmer
Senator Karen McConnaughay	X Representative Greg Harris
X Senator Tony Muñoz	Representative Lou Lang
X Senator Ira Silverstein	X Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE JULY 18, 2017 MEETING

Representative Breen moved, seconded by Senator Silverstein, that the minutes of the July 18, 2017 meeting be approved. The motion passed unanimously (10-0-0).

REVIEW OF AGENCY RULEMAKING

Illinois Commerce Commission – Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412; 40 Ill. Reg. 14931) and Internet Enrollment Rules (83 Ill. Adm. Code 453; 40 Ill. Reg. 14971)

Matthew L. Harvey, Staff Attorney, represented ICC. Co-Chair Wheeler asked if ICC would agree to an Extension of the consideration of these rulemakings for an additional 45 days. Mr. Harvey indicated ICC's agreement. Rep. Thapedi stated that the Extension of the consideration of the rulemaking was intended to give ICC the opportunity to meet with interested parties to address the remaining issues. He asked Mr. Harvey whether it was indeed true that things had boiled down to a few remaining issues. Mr. Harvey concurred, noting that the major issues seem to relate to in-person sales and the third-party verification (TPV) requirement. Rep. Thapedi said that JCAR's goal was to wrap this issue up at the next meeting, and listed the following issues as the ones he believed remain to be addressed: issues relating to the vintage of acceptable renewable energy credits purchased by retail electric suppliers (RES), retention of TPV call recordings a period beyond 2 years, the possibility that the rulemaking's verification requirements may

violate Sec. 2EE of the Consumer Fraud and Deceptive Business Practices Act, potential conflict between the contract renewal requirements and federal/State law, and the use of a utility's brand name by an affiliated RES. He asked if Mr. Harvey had heard of any other issues that would have to be resolved.

Mr. Harvey said he had not heard of any other issues and agreed with Rep. Thapedi's assessment. He confirmed that ICC staff would be available for JCAR-initiated talks with interested parties on this rulemaking.

Senator Silverstein moved, seconded by Representative Breen, that JCAR, with the concurrence of the ICC, extend the Second Notice Period for this rulemaking for an additional 45 days to allow further consideration of public comment. The motion passed unanimously (10-0-0).

Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 41 Ill. Reg. 2751)

Caleb Melamed represented IGB. Co-Chair Wheeler asked him to state IGB's current position on its response to a possible Objection. Mr. Melamed said that, if there were an Objection, IGB would withdraw the rule and work toward new and more acceptable language.

Senator Muñoz moved, seconded by Representative Demmer, that JCAR object to this rulemaking because the rulemaking's prohibition against currently licensed video gaming terminal operators having an existing financial interest in the licensed video gaming locations with which they have a use agreement divests those operators of a property right that was legitimate at the time it was procured. The Board has indicated its desire to withdraw this rulemaking in response to this rulemaking so it can work with the affected industry to resolve outstanding issues. The motion passed unanimously (9-0-0), with Senator Brady abstaining.

CONSIDERATION OF OTHER RULEMAKINGS

Illinois State Board of Education – Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1; 41 Ill. Reg. 8932) (Emergency), Educator Licensure (23 Ill. Adm. Code 25; 41 Ill. Reg. 8949) (Emergency), and Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30; 41 Ill. Reg. 8967)

Lindsay Bentivegna, Rules Coordinator, and Cristina Dimmitt-Salinas, Division Supervisor for Educator Effectiveness, represented SBE. Co-Chair Harmon noted that the rationale for using emergency rulemaking is to ensure that enough educators are available to fill existing slots, and observed that the particular issues in contention appeared to relate to the duration of the authority to use short-term nonendorsed educators and other particulars, none of which should be an issue with an emergency rule set to automatically expire. He asked Ms Bentivegna if the Board would be open to discussing these issues with respect to the accompanying permanent rulemakings. Ms Bentivegna said that the public comment for the permanent rulemakings was near its end and, although no formal comment had yet been received, the Board has heard that some stakeholders have concerns. It is willing to work with those stakeholders and JCAR to resolve these concerns.

Co-Chair Harmon asked why the principal preparation rule constituted an emergency. Ms Bentivegna said that this was necessary to ensure that there are enough qualified principals available for the upcoming school year by allowing principal endorsement applicants to count years teaching on credentials other than a Professional Educator License (PEL) toward their 4-year experience requirement. She pointed out that SBE's numbers are collected each October, and said that the number of unfilled openings advertised for

school principals/administrators is likely higher than SBE's actual data (15 vacancies) which is nearly a year old.

Co-Chair Harmon asked whether these emergency rules would enable any principal to fill a position this fall who would not otherwise be eligible to do so. Ms Bentivegna said this was possible if a candidate in the pipeline had already earned the requisite experience without the PEL. Ms Dimmitt-Salinas explained that, under this proposal, the PEL and the experience could be earned concurrently (as contrasted to previous rule, under which the experience could only be earned under the PEL). Co-Chair Harmon asked whether any candidates meeting these criteria were currently in the pipeline. Ms Dimmitt-Salinas said she didn't know, but thought there probably were.

Co-Chair Harmon reminded SBE that JCAR could consider an emergency rule at any point during its lifespan, but said that JCAR will save more serious discussion for when it considers the companion permanent rules.

CERTIFICATION OF NO OBJECTION

Representative Harris moved, seconded by Representative Thapedi, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously (10-0-0), except that Senator Brady abstained from voting with respect to Tab 18 (Illinois Gaming Board – Video Gaming (General); 11 Ill. Adm. Code 1800; 41 Ill. Reg. 2777) that passed on a vote of 9-0-0.

ANNOUNCEMENT OF SEPTEMBER MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting would be held at 11:00 a.m. on Tuesday, September 12, 2017, in Room C600 of the Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Representative Breen moved, seconded by Senator Silverstein, that the meeting stand adjourned. The motion passed unanimously.

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